

**SUPREME COURT MINUTES
WEDNESDAY, JULY 2, 2008
SAN FRANCISCO, CALIFORNIA**

S163788**BRODHEIM (MICHAEL) ON
H.C.**

Petition ordered withdrawn (criminal case)

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S164325**O'NEAL, SR., (MICHAEL) ON
H.C.**

Petition ordered withdrawn (criminal case)

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S163111 B194480 Second Appellate District, Div. 5**PEOPLE v. TOLLIVER
(HENRY CLARK)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 28, 2008.

S029843**PEOPLE v. BECK (JAMES
DAVID) & CRUZ (GERALD
DEAN)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General David M. Baskind's representation that he anticipates filing the respondent's brief by October 3, 2008, counsel's request for an extension of time in which to file that brief is granted to September 5, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S054774**PEOPLE v. TAYLOR (KEITH
DESMOND)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Alana Cohen Butler's representation that she anticipates filing the supplemental respondent's brief by September 5, 2008, counsel's request for an extension of time in which to file that brief is granted to September 5, 2008. After that date, no further extension is contemplated.

S067392**PEOPLE v. FREDERICKSON
(DANIEL CARL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Douglas Ward's representation that he anticipates filing the appellant's opening brief by September 8, 2008, counsel's request for an extension of time in which to file that brief is granted to September 8, 2008. After that date, no further extension is contemplated.

S070536**PEOPLE v. MACIEL (LUIS
PELON)**

Extension of time granted

Good cause appearing, and based upon counsel Melissa Hill's representation that she anticipates filing the appellant's reply brief by April 29, 2009, counsel's request for an extension of time in which to file that brief is granted to August 29, 2008. After that date, only four further extensions totaling about 240 additional days are contemplated.

**S072161
(THOMAS)****PEOPLE v. POTTS**

Extension of time granted

Good cause appearing, and based upon counsel Michael P. Goldstein's representation that he anticipates filing the appellant's opening brief by November 4, 2008, counsel's request for an extension of time in which to file that brief is granted to September 5, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

S077524**PEOPLE v. SALAZAR
(MAGDALENO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's opening brief by February 2, 2009, counsel's request for an extension of time in which to file that brief is granted to September 5, 2008. After that date, only three further extensions totaling about 150 additional days are contemplated.

S080056**PEOPLE v. BELL (MICHAEL
LEON)**

Extension of time granted

Good cause appearing, and based upon counsel Raymond L. Girard's representation that he anticipates filing the appellant's opening brief by August 31, 2008, counsel's request for an extension of time in which to file that brief is granted to September 2, 2008. After that date, no further extension will be granted.

S080947**PEOPLE v. ENRACA
(SONNY)**

Extension of time granted

Good cause appearing, and based upon counsel Paul J. Spiegelman's representation that he anticipates filing the appellant's opening brief by September 5, 2008, counsel's request for an extension of time in which to file that brief is granted to September 5, 2008. After that date, no further extension is contemplated.

S083446**PEOPLE v. WILSON
(BRANDON H.)**

Extension of time granted

Good cause appearing, and based upon counsel Susan L. Wolk's representation that she anticipates filing the appellant's opening brief by April 30, 2009, counsel's request for an extension of time in which to file that brief is granted to September 5, 2008. After that date, only four further extensions totaling about 237 additional days are contemplated.

S087569**PEOPLE v. SANCHEZ (JUAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to September 5, 2008.

S097558**PEOPLE v. GARTON (TODD
JESSE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 29, 2008.

S099414**PEOPLE v. BIVERT
(KENNETH RAY)**

Extension of time granted

Good cause appearing, and based upon counsel Warren P. Robinson's representation that he anticipates filing the appellant's reply brief by August 10, 2008, counsel's request for an extension of time in which to file that brief is granted to August 11, 2008. After that date, no further extension is contemplated.

S099770**PEOPLE v. COOPER (LEON
CHAUNCEY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to September 5, 2008.

S122460**MAURY (ROBERT EDWARD)
ON H.C.**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the informal response to the petition for writ of habeas corpus is granted to September 8, 2008. After that date, no further extension is contemplated.

S144756**HARRIS (LANELL CRAIG)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Alfons G. Wagner's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 1, 2008, counsel's request for an extension of time in which to file that document is granted to September 2, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S149752 C047617/C048799 Third Appellate District

**ROBY (CHARLENE J.) v.
MCKESSON HBOC**

Extension of time granted

On application of amicus curiae Consumer Attorneys of California and good cause appearing, it is ordered that the time to serve and file its amicus curiae brief in support of Respondent Charlene Roby is hereby extended to July 10, 2008.

S156555 B195121/B195370 Second Appellate District, Div. 1 **HARRIS (FRANCES) v. S.C.
(LIBERTY MUTUAL
INSURANCE COMPANY)**

Extension of time granted

On application of amicus curiae The Chamber of Commerce of the United States of America and good cause appearing, it is ordered that the time to serve and file its application to serve and file an amicus curiae brief in support of real party in interest is hereby extended to August 4, 2008.

S156555 B195121/B195370 Second Appellate District, Div. 1 **HARRIS (FRANCES) v. S.C.
(LIBERTY MUTUAL
INSURANCE COMPANY)**

Extension of time granted

On application of amicus curiae The California Employment Law Council and good cause appearing, it is ordered that the time to serve and file its application to file an amicus curiae brief in support of the real party in interest is hereby extended to August 4, 2008.

S163154

KISSINGER ON DISCIPLINE

Recommended discipline imposed

It is ordered that KURT A. KISSINGER, State Bar No. 144984, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Decision filed on February 5, 2008. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S163157**CARDENAS ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that RAFAEL ARTURO CARDENAS, State Bar No. 59210, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S163191**BORTHWICK ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that DOUGLAS MACMILLAN BORTHWICK, State Bar No. 176372, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 5, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and be payable in equal installments prior to February 1 with membership fees for the next two billing cycles following the effective date of this order. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

